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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

08/942,402 10/01/97 JOHNSON

K MNFRAME.005A

LM02/0927
KNOBBE MARTENS OLSON & BEAR
620 NEWPORT CENTER DRIVE
16TH FLOOR
NEWPORT BEACH CA 92660

| EXAMINER |
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WRIGHT, N

| ART UNIT | PAPER NUMBER |
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2785

28

DATE MAILED:

09/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

See attached:

- 1) PTD-326
- 2) PTD-1449
- 3) Office Action
- 4) PTD-892
- 5) Re Admt (not entered)

**NORMAN M. WRIGHT
PRIMARY EXAMINER**

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Office Action Summary

Application No.

08/942,402

Applicant(s)

Johnson et al.

Examiner

M. Wright

Group Art Unit

2785

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 8/24/00
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-28 ~~is/are~~ pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1-19, 21 ~~is/are~~ allowed.
- ☒ Claim(s) 20, 22, 22-25 ~~is/are~~ rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 25 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☒ Other PTO-90

Office Action Summary

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DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

2. The disclosure is objected to because of the following informalities: pages 10-12 appears to be inconsistent with the subject matter disclosed on page 9, specifically it does not explain the network of controllers. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 20 and 22-28, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Barrett, U.S. Pat. No. 5,311,451, hereinafter '451.

As to claims 20 and 22-28, Barrett '451 teaches the use of a reconfigurable controller and monitor comprising: a method of

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mapping resources to memory (abs., and col. 2, lines 30 et seq.), a micro controller network (fig. 1), a central computer (25), interconnections path ways (23), sensors (19), buffering messages (requests, col. 3, lines 20 et seq.), log notification of a fault (col. 18, lines 4 et seq.), canisters (I/O devices, col. 14, lines 14), a client computer (col. 1, lines 63 et seq., col. 2, lines 10 et seq.), an actuator/variable speed fan (col. 6, lines 19 et seq.), a timer (col. 14, lines 12 et seq.), a manual and software reset (col. 18, lines 20 et seq.), a temperature sensor 19, a display (27), checking voltage (col. 13, lines 15 et seq), and executing commands (col. 1, lines 48 et seq., and col. 3, lines 23 et seq.), logging conditions (Rams, 314, 520). Stated another way '451 teaches sending a request for parameter information, obtaining status from micro-controllers and sensors, enabling and disabling devices (col 14, lines 14 et seq.), and processing the response to effective a desired environmental condition.

Allowable Subject Matter

5. Claims 1-19 are allowed.
6. Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office action. The early submission of formal drawings will

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permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

Response to Amendment

The remarks filed on 8/24/00 are moot, since the elements argued are not elements of the claims.

Conclusion

7. This is a continuation of applicant's earlier Application No. 08/942,402. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire

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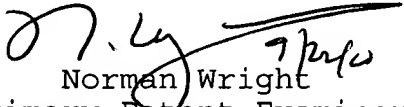
on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman Wright whose telephone number is (703) 305-9586. The examiner can normally be reached on Tuesday-Fridays from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached at (703) 305-9713. The fax number for this Group is (703) 305-9724.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.


Norman Wright
Primary Patent Examiner
AU 2785